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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
RUDOLFO CONTRERAS, )  
 )  
Defendant. )

No. CR 11-00621 LHK

STIPULATION AND ~~PROPOSED~~  
ORDER TO CONTINUE STATUS  
APPEARANCE AND EXCLUDING TIME  
FROM FEBRUARY 9, 2012 TO  
MARCH 14, 2012

The defendant, RUDOLFO CONTRERAS, represented by Jeane DeKolver, Esquire, and the government, represented by Daniel R. Kaleba, Assistant United States Attorney, jointly request that the appearance set for February 29, 2012 be continued to March 14, 2012. The parties have discussed a resolution in the matter, and both parties would benefit from additional time to conduct the necessary investigation, including into both the facts of this case, as well as the criminal history of the defendant, to reach a possible resolution.

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The parties also jointly request an exclusion of time under the Speedy Trial Act between February 29, 2012 and March 14, 2012, because additional time is necessary to review the discovery and to conduct necessary investigation.

IT IS SO STIPULATED.

Dated: February 16, 2012

/s/  
JEANE DEKELVER  
Attorney for Defendant  
RUDOLFO CONTRERAS

Dated: February 17, 2012

/s/  
DANIEL R. KALEBA  
Assistant United States Attorney

Based upon the representation of counsel and for good cause shown, the Court finds that failing to exclude the time between February 29, 2012 and March 14, 2012 would unreasonably deny the defendant continuity of counsel and would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time between February 29, 2012 and March 14, 2012 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. Therefore, IT IS HEREBY ORDERED that the time between February 29, 2012 and March 14, 2012 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

DATED: 2/21/12

  
LUCY H. KOH  
United States District Judge